

REMARKS

By this amendment, claims 1, 5, and 6 have been amended. Claims 20-24 were previously canceled. Accordingly, claims 1-19 are currently pending in the application, of which claim 1 is an independent claim.

Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendments may be found at least in Figures 3 and 4 and at page 8-10 of the specification.

Applicant notes that the Examiner was contacted by Applicant's Representative regarding the finality of the Office Action. The Examiner agreed that finality should be withdrawn and stated that he would send a new Non-Final Office Action, but no such Action has been received. It is therefore requested that finality be withdrawn for at least the following reasons.

In the Office Action, the Examiner stated that "Applicant's submission of an information disclosure statement under 37 C.F.R. §1.97(c) with the fee set forth in 37 C.F.R. §1.17(p) on 22 December 2006 prompted the new ground(s) of rejection presented in the Office Action," and therefore, made the action Final. (emphasis added)

However, MPEP §609.04(b)(II)(A)(1) states, "If information submitted during the period set forth in 37 CFR 1.97(c) with a statement under 37 CFR 1.97(e) is used in a new ground of rejection on unamended claims, the next Office Action will not be made final since in this situation it is clear that applicant has submitted the information to the Office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office." (emphasis added)

Because the claims were unamended in the Reply filed on December 29, 2006, and the references cited in the information disclosure statement of December 22, 2006 included a

statement under 37 CFR 1.97(e) (that the references had first been cited not more than three months prior to the filing of the information disclosure statement), the Action should not have been made Final.

Accordingly, Applicant requests withdrawal of the Office Action's finality under MPEP §609.04(b)(II)(A)(1). Applicant further requests entry of the Amendment and reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. § 102

Claims 1-7 and 10-14 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Japanese Patent Application Publication No. 2000-0321994 applied for by Toyama ("Toyama").

In order for a rejection under 35 U.S.C. § 102(b) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(b) rejection improper.

Claim 1, as amended, recites, *inter alia*:

a dielectric mirror, wherein light emitted from the excitation light source passes through the dielectric mirror, and the dielectric mirror reflects light emitted from the emitter layer toward an exterior of the display.

Toyama fails to disclose at least these features of claim 1. On page 3 of the Office Action, the Examiner asserts that, "Toyoma shows a dielectric mirror (32) arranged on the sub-pixels." Applicant respectfully disagrees. In Toyoma, reference numeral 32 denotes a lens, not a dielectric mirror. Because the lens 32 is not a mirror, it does not reflect light emitted from the emitter layer. Rather, light passes through the lens 32 to a photomultiplier tube 26. Therefore, Toyama fails to disclose at least "a dielectric mirror, wherein light emitted from the excitation

light source passes through the dielectric mirror, and the dielectric mirror reflects light emitted from the emitter layer toward an exterior of the display."

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1-7 and 10-14. Claims 2-7 and 10-14 depend from claim 1 and are allowable at least for this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claim 1, and all the claims that depend therefrom, are allowable.

Rejections Under 35 U.S.C. § 103

Claims 8-9 and 15-19 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Toyama in view of U. S. Patent No. 6,117,529 issued to Leising, *et al.* ("Leising").

Applicant submits that claim 1 is allowable over Toyama, and Leising's mirror/transmitter layers 10 fail to cure the deficiencies of Toyama noted above with regard to claim 1. Leising's mirror/transmitter layers 10 reflect light back toward the light emission source, the electroluminescent layer 3, in the interior of the color display screen (see column 5, lines 51-58). Therefore, Leising fails to cure the deficiencies of Toyama noted above with regard to claim 1. Hence, claims 8, 9, and 15-19 are allowable at least because they depend from an allowable claim 1.

CONCLUSION

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

/hae-chan park/

Hae-Chan Park
Reg. No. 50,114

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CUSTOMER NUMBER: 58027

H.C. Park & Associates, PLC
8500 Leesburg Pike
Suite 7500
Vienna, VA 22182
Tel: 703-288-5105
Fax: 703-288-5139
HCP:SLK/tmk